

June 15, 2021

Deb Thomas, Acting Regional Director  
Environmental Protection Agency, Region 8  
1595 Wynkoop Street  
Denver, CO 80202-1129

RE: Submittal of North Dakota Standards of Quality for Waters of the State for Review

Dear Ms. Thomas:

The North Dakota Department of Environmental Quality (NDDEQ) has revised North Dakota Administrative Code 33.1-16.02.01, Standards of Quality for Waters of the State (standards).

The North Dakota Attorney General has determined these rules are compliant with state law and approved their legality.

In 2019 the NDDEQ held a public hearing on August 17 and a public comment period was provided from July 12 to September 30. Public Notice on hearing and request for comment/views included entire standards [North Dakota Administrative Code 33.1-16.02.01]. The Public Notice was posted on the NDDEQ website, list serve and all state newspapers.

In 2020 a second public hearing was held on October 12 and a public comment period was provided between August 20 through October 23. Public Notice on hearing and request for comment/views included the entire standards and proposed amendments. The Public Notice was posted on the NDDEQ website and included a summary of the proposed amendments, then proposed rule with strike and revisions in color, supporting information and rational for proposed amendments, regulatory analysis, takings assessment, small entity economic impact statement, and small entity regulatory analysis.

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Water Quality  
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Division of Chemistry  
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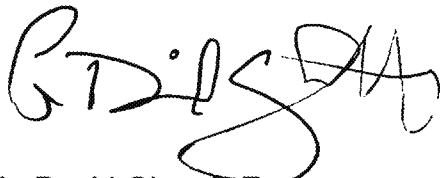
Attached files supporting the new standards are:

- 1) Proposed North Dakota Administrative Code, Chapter 33.1-16-02.1 Standards of Quality for Waters of the State with strikeout and revisions in color.
- 2) North Dakota Administrative Code, Chapter 33.1-16-02.1 Standards of Quality for Waters of the State.
- 3) The Attorney General's Opinion.
- 4) Copies of the 2019 and 2020 Public Notices as they appeared in the Newspaper.
- 5) Copy of the 2019 Public Notice as it appeared on the NDDEQ Website.
- 6) Copy of the 2020 Public Notice that included a summary of proposed changes to the standards, proposed rules, supporting information, regulatory analysis, takings assessment, small entity economic analysis, small entity regulatory analysis as it appeared on the NDDEQ website.
- 7) Copy of public comments and the NDDEQ responses to comments.

The Director of the NDDEQ requests the US Environmental Agency review and approval.

If you have questions, our point of contact is Peter N. Wax at 701-328-5268 or [pwax@nd.gov](mailto:pwax@nd.gov).

Sincerely



L. David Glatt, P.E.

Director, North Dakota Department of Environmental Quality

LDG/PNW:dlp

xc: Holly Wirick, EPA Region 8, Tonya Fish, EPA Region 8

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